

David Rudovsky
Paul Messing
Jonathan Feinberg
Ilene Kalman (1985-1996)
David Kairys
Of Counsel
Tanya Alexander
Office Manager

Phone (215) 925-4400
Fax (215) 925-5365
jfeinberg@krlawphila.com

April 10, 2014

Via ECF

Honorable R. Barclay Surrick
United States District Court
601 Market Street
Philadelphia, PA 19106

Re: *Williams et al. v. City of Philadelphia et al.*, No. 08-1979

Dear Judge Surrick:

We write to supplement our letter brief of April 7, 2014 concerning the objections of Corizon Health Inc., to production of medical and mental health information related to the treatment of plaintiff class members. In that letter, we provided only two examples of the material that may be withheld from disclosure if Corizon's objections were sustained. At the time the letter was submitted, however, we were unaware that counsel for the City had on March 28, 2014 provided an index of documents which are in the City's possession and deemed responsive to plaintiffs' requests for medical and mental health information but which the City is withholding due to Corizon's refusal to sign on to the Protective Order negotiated by the parties. *See* Ex. D.¹

Upon review of that index, it is clear that Corizon's objections will prevent plaintiffs from obtaining critical discovery information in at least six separate areas. Specifically, the City has stated that, due to Corizon's position, it cannot produce information responsive to the following requests (excerpted from Ex. A):

3. Pharmacy printouts of patients on asthma/COPD, diabetes, hypertension, HIV, anticoagulation, seizure, and cancer medications for September 1 through November 30, 2013.
4. Specialty Appointment Tracking log for the period of April 1 2013 to October 31, 2013 by housing location.
5. Infirmary tracking logs from April 1, 2013 to October 31, 2013.

¹ Exhibits A through C were attached to plaintiffs' April 7, 2014 letter. Exhibit D is attached to this submission.

6. Tracking logs or list of patients sent to the emergency department/hospitalized from April 1, 2013 through December 1, 2013.
7. Entire patient health records for all inmates who died while in custody from January 2012 to December 1, 2013.
11. A current caseload list of all inmates on the male and female transitional units and acute care units.
12. The log for mental health requests for services for all sites for the month of September, 2013.

Each of the listed categories concerns areas where plaintiffs' medical and mental health experts identified potential systemic problems in the delivery of care to PPS inmates. Without access to this information, plaintiffs will be prevented from reviewing material necessary to proving their case. We have already demonstrated in our previous submission that Corizon's objections under the MHPA are legally meritless and that the requested material is subject to disclosure upon the Court's entry of the Protective Order proposed by the parties. However, even if the Court were to credit any of Corizon's arguments in support of non-disclosure, the scope and importance of the withheld material as outlined above weighs heavily in favor of an Order directing the production of this information. *See Pearson v. Miller*, 211 F.3d 57, 73 (3d Cir. 2000); *Griffin-El v. Beard*, 2009 WL 1606891, at *15-17 (E.D. Pa. June 8, 2009); *Johnsonbaugh v. Dept. of Pub. Welfare*, 665 A.2d 20, 27-28 (Pa. Commw. Ct. 1995).

We, therefore, respectfully submit that the Court should require the production of information responsive to plaintiffs' requests.

Respectfully submitted,

/s/ Jonathan H. Feinberg
Jonathan H. Feinberg
David Rudovsky
Kairys, Rudovsky, Messing & Feinberg, LLP
718 Arch Street, Suite 501S
Philadelphia, PA 19106
(215) 925-4400

Robert W. Meek
Disability Rights Network of Pennsylvania
1315 Walnut Street, Suite 500
Philadelphia, PA 19107
(215) 238-8070

David Richman
Matthew Janssen
Pepper Hamilton LLP
3000 Two Logan Square
Eighteenth and Arch Streets
Philadelphia, PA 19103-2799
(215) 981-4000

Angus Love
Su Ming Yeh
Pennsylvania Institutional Law Project
718 Arch Street, Suite 304S
Philadelphia, PA 19106
(215) 925-2966

EXHIBIT D

MENTAL HEALTH RECORDS BEING WITHHELD - MARCH 28, 2014

Prodbeg	Prodend	Doctitle	Rpd
PS-0030190	PS-0030893	Drug Report - HTN	12-12-13 RPD CORIZONEX_003
PS-0030894	PS-0031109	Drug Report - Seizure	12-12-13 RPD CORIZONEX_003
PS-0031110	PS-0031111	Drug Report - Cancer	12-12-13 RPD CORIZONEX_003
PS-0031112	PS-0031198	Drug Report - Asthma	12-12-13 RPD CORIZONEX_003
PS-0031199	PS-0031222	Drug Report - Anti-Coagulant	12-12-13 RPD CORIZONEX_003
PS-0031223	PS-0031370	Drug Report - Diabetes	12-12-13 RPD CORIZONEX_003
PS-0031371	PS-0031568	Drug Report - HIV	12-12-13 RPD CORIZONEX_003
PS-0031569	PS-0031676	Report	12-12-13 RPD CORIZONEX_004
PS-0031677	PS-0031857	Report	12-12-13 RPD CORIZONEX_005
PS-0031858	PS-0031884	Infirmiry Census April - October 2013	12-12-13 RPD CORIZONEX_005
PS-0031885	PS-0031919	Emergency Room Log 4/1/13 - 12/1/13	12-12-13 RPD CORIZONEX_006
PS-0032136	PS-0032158	MHM - Behavioral Sick Calls - September 2013	12-12-13 RPD MHM_012
PS-0032159	PS-0032165	MHM - Inmates on Behavioral Health Units 11-25-13	12-12-13 RPD MHM_011
PS-0032166	PS-0032565	Medical File	12-12-13 RPD CORIZONEX_007
PS-0032566	PS-0032659	Medical File	12-12-13 RPD CORIZONEX_007
PS-0032660	PS-0033549	Medical File	12-12-13 RPD CORIZONEX_007
PS-0033550	PS-0033676	Medical File	12-12-13 RPD CORIZONEX_007
PS-0033677	PS-0033728	Medical File	12-12-13 RPD CORIZONEX_007
PS-0033729	PS-0033791	Medical File	12-12-13 RPD CORIZONEX_007
PS-0033792	PS-0033991	Medical File	12-12-13 RPD CORIZONEX_007
PS-0033992	PS-0034188	Medical File	12-12-13 RPD CORIZONEX_007
PS-0034189	PS-0034469	Medical File	12-12-13 RPD CORIZONEX_007
PS-0034470	PS-0034799	Medical File	12-12-13 RPD CORIZONEX_007
PS-0034800	PS-0034954	Medical File	12-12-13 RPD CORIZONEX_007
PS-0034955	PS-0034996	Medical File	12-12-13 RPD CORIZONEX_007
PS-0034997	PS-0035211	Medical File	12-12-13 RPD CORIZONEX_007
PS-0035212	PS-0035376	Medical File	12-12-13 RPD CORIZONEX_007
PS-0035377	PS-0035415	Medical File	12-12-13 RPD CORIZONEX_007
PS-0035416	PS-0035495	Medical File	12-12-13 RPD CORIZONEX_007
PS-0035496	PS-0035584	Medical File	12-12-13 RPD CORIZONEX_007
PS-0035585	PS-0035734	Medical File	12-12-13 RPD CORIZONEX_007
PS-0035735	PS-0035781	Medial File	12-12-13 RPD CORIZONEX_007
PS-0035782	PS-0036757	Medical File	12-12-13 RPD CORIZONEX_007
PS-0036758	PS-0037143	Medical File	12-12-13 RPD CORIZONEX_007
PS-0037144	PS-0037428	Medical File	12-12-13 RPD CORIZONEX_007
PS-0037429	PS-0037458	Medical File	12-12-13 RPD CORIZONEX_007
PS-0037459	PS-0037549	Medical Fle	12-12-13 RPD CORIZONEX_007
PS-0037550	PS-0037615	Medical File	12-12-13 RPD CORIZONEX_007
PS-0037616	PS-0038443	Medical File	12-12-13 RPD CORIZONEX_007
PS-0038444	PS-0038551	Medical File	12-12-13 RPD CORIZONEX_007
PS-0038552	PS-0038569	Medical File	12-12-13 RPD CORIZONEX_007
PS-0038599	PS-0039043	Medical File	12-12-13 RPD CORIZONEX_007